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9  
10 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-4

13 **ROBIN GAIL CREWS**  
473 Zion Hill Church Road  
14 Wilksboro, NC 28697

**A C C U S A T I O N**

15 Registered Nurse License No. 668714

16 Respondent.

17  
18 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the  
21 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about November 4, 2005, the Board of Registered Nursing issued  
24 Registered Nurse License Number 668714 to Robin Gail Crews ("Respondent"). The registered  
25 nurse license expired on February 28, 2007.

26 **JURISDICTION**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in  
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code  
2 section 2750) of the Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a  
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
5 against the licensee or to render a decision imposing discipline on the license. Under Code  
6 section 2811, subdivision (b), the Board may renew an expired license at any time within eight  
7 years after the expiration.

8 5. Code section 820 states:

9 Whenever it appears that any person holding a license, certificate or permit  
10 under this division or under any initiative act referred to in this division may be  
11 unable to practice his or her profession safely because the licentiate's ability to  
12 practice is impaired due to mental illness, or physical illness affecting competency,  
13 the licensing agency may order the licentiate to be examined by one or more  
14 physicians and surgeons or psychologists designated by the agency. The report of  
15 the examiners shall be made available to the licentiate and may be received as  
16 direct evidence in proceedings conducted pursuant to Section 822.

#### 14 STATUTORY PROVISION

15 6. Code section 822 states:

16 If a licensing agency determines that its licentiate's ability to practice his or  
17 her profession safely is impaired because the licentiate is mentally ill, or physically  
18 ill affecting competency, the licensing agency may take action by any of the  
19 following methods:

- 20 (a) Revoking the licentiate's certificate or license.
- 21 (b) Suspending the licentiate's right to practice.
- 22 (c) Placing the licentiate on probation.
- 23 (d) Taking such other action in relation to the licentiate as the licensing  
24 agency in its discretion deems proper.

25 The licensing agency shall not reinstate a revoked or suspended certificate  
26 or license until it has received competent evidence of the absence or control of the  
27 condition which caused its action and until it is satisfied that with due regard for  
28 the public health and safety the person's right to practice his or her profession may  
be safely reinstated.

#### 26 COST RECOVERY

27 7. Code section 125.3 provides, in pertinent part, that the Board may request  
28 the administrative law judge to direct a licentiate found to have committed a violation or

1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
2 and enforcement of the case.

3 **FACTUAL BACKGROUND**

4 8. On or about July 11, 2008, in an effort to determine whether or not  
5 Respondent was mentally ill to the extent that her condition affected her ability to safely practice  
6 registered nursing, the Board filed a Petition for an Order to Compel Psychiatric Examination in  
7 accordance with Code section 820.

8 9. On or about October 23, 2008, Respondent complied with the Board's  
9 Order and was interviewed by Charles B. Schaffer, M.D, Diplomate, American Board of  
10 Psychiatry and Neurology, at his office. Dr. Schaffer's reported findings include the following:

11 a. Respondent's primary psychiatric disorder is Bipolar I Disorder with  
12 Psychotic Features, Most Recent Episode Manic.

13 b. Respondent's history includes manic episodes which have included  
14 psychotic symptoms during which time she has demonstrated inappropriate behavior.

15 c. Respondent will require indefinite psychiatric treatment to prevent a relapse  
16 of her Bipolar I Disorder. This treatment should consist of psychiatric medicines monitored by a  
17 qualified psychiatrist who has experience and expertise in the treatment of mood disorders.

18 d. Dr. Schaffer further concluded that an appropriate probationary period for  
19 Respondent at this time would be three (3) years for the following reasons:

20 i. Respondent has a history of noncompliance with treatment for her  
21 Bipolar Disorder.

22 ii. Respondent has a history of severe and disabling symptoms when  
23 she has experienced a relapse of her Bipolar Disorder.

24 e. Dr. Schaffer also concluded that Respondent's probationary period should  
25 include the following conditions:

26 i. Continuation of maintenance psychiatric treatment under the care of  
27 a qualified psychiatrist.

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- 1 ii. Written status reports to the BRN from Ms. Crews' treating  
2 psychiatrist annually.  
3 iii. Immediate notification to the BRN if Ms. Crews' experiences a  
4 relapse of her Bipolar Disorder or if she requires acute psychiatric hospitalization for any reason.

5 **CAUSE FOR DISCIPLINE**

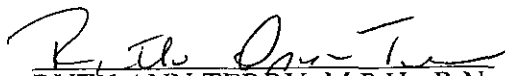
6 10. Respondent is subject to discipline under Code section 822, in that  
7 Respondent's ability to practice her profession of registered nursing safely is impaired due to  
8 mental illness affecting her competency, as more particularly set forth in paragraph 9,  
9 subparagraphs a through e, above.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
12 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 13 1. Revoking or suspending Registered Nurse License Number 668714, issued  
14 to Robin Gail Crews;  
15 2. Ordering Robin Gail Crews to pay the Board of Registered Nursing the  
16 reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3;  
17 and,  
18 3. Taking such other and further action as deemed necessary and proper.

19  
20 DATED: 6/5/09

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22   
23 RUTH ANN TERRY, M.P.H., R.N.  
24 Executive Officer  
25 Board of Registered Nursing  
26 Department of Consumer Affairs  
27 State of California  
28 Complainant